

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Wayne Graham and Robert Norman Rice
Serial No. : 10/759,841 Examiner: Whiteman, Brian A.
Filing Date: January 15, 2004 Group Art Unit: 1635
For : SYNTHETIC GENES AND GENETIC CONSTRUCTS
Conf. No. : 8757

30 Rockefeller Plaza
20th Floor
New York, New York 10112

Commissioner for Patents
P.O. Box 150
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)

Commonwealth Scientific and Industrial Research Organisation, ("CSIRO"), having a place of business at Limestone Avenue, Campbell ACT, Australia, is the owner of (assignee of record of the entire right, title and interest in) the above-identified application ("the '841 Application") by virtue of the following assignment chain:

- i) Michael Wayne Graham and Robert Norman Rice each on April 29, 2003 signed an Assignment (Joint) assigning their entire right, title and interest in and to the inventions set forth in U.S. Serial No. 10/346,853 ("the '853 application"), and consequently the '841 Application, which is a continuation of the '853 application, to Benitec Australia Ltd. and to State Of Queensland Through Its Department Of Primary Industries (Assignment recorded in the U.S. Patent and Trademark Office April 6, 2009 at reel 022491, frames 0178 to 0180);
- ii) State Of Queensland Through Its Department Of Primary Industries executed on December 8, 2003 a Deed of Assignment assigning all of its rights and interests in the

Applicants: Michael Wayne Graham and
Robert Norman Rice
Serial No.: 10/759,841
Filed: January 15, 2004
Exhibit C

Applicants: Michael Wayne Graham and Robert Norman Rice
Serial No.: 10/759,841
Filing Date: January 15, 2004
Page 2

'853 Application, and consequently the '841 Application, which is a continuation of the '853 Application, to Commonwealth Scientific and Industrial Research Organisation (Assignment recorded in the U.S. Patent and Trademark Office August 10, 2004 at reel 015085, frames 0745 to 0751); and

- iii) Benitec Australia Ltd. Executed on August 21, 2006 a Deed of Assignment assigning all of its right, title and interest in and to the '841 Application to Commonwealth Scientific and Industrial Research Organisation (Assignment recorded in the U.S. Patent and Trademark Office November 2, 2006 at reel 018472, frames 0587 to 0595).

Accordingly, the '841 Application is assigned of record solely to CSIRO.

CSIRO is also the owner of (assignee of record of the entire right, title and interest in) U.S. Patent No. 7,754,697 ("the '697 Patent"), by virtue of the following assignment chain:

- i) Michael Wayne Graham and Robert Norman Rice each on October 19, 2000 signed an Assignment assigning their entire right, title and interest in the invention disclosed in U.S. Serial No. 09/646,807 ("the '807 Application"), and consequently in the '697 Patent which issued from U.S. Serial No. 10/646,070 ("the '070 Application"), which is a continuation of the '807 Application, to Benitec Australia Ltd. and to State Of Queensland Through Its Department Of Primary Industries (Assignment recorded in the U.S. Patent and Trademark Office April 6, 2009 at reel 022521, frames 0407 to 0408);
- ii) State of Queensland Through Its Department Of Primary Industries executed on December 8, 2003 an Assignment of

Applicants: Michael Wayne Graham and Robert Norman Rice
Serial No.: 10/759,841
Filing Date: January 15, 2004
Page 3

its entire right, title and interest in and to the inventions set forth or claimed in the '070 Application to Benitec Australia Ltd. (Assignment recorded in the U.S. Patent and Trademark Office January 15, 2004 at reel 014264, frames 0687 to 0689); and

- iii) Benitec Australia Ltd. executed on August 21, 2006 a Deed of Assignment assigning all of its right, title and interest in and to the '070 Application to Commonwealth Scientific and Industrial Research Organisation (Deed of Assignment recorded in the U.S. Patent and Trademark Office November 2, 2006 at reel 018472, frames 0587 to 0595).

The '070 Application issued as U.S. Patent No. 7,754,697 on July 13, 2010. Accordingly, the '697 Patent is assigned of record solely to CSIRO.

CSIRO hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 7,754,697 and hereby agrees that any patent issued from the subject application shall be enforceable only for and during such period that the owner of such patent is the same as the owner of U.S. Patent No. 7,754,697, this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, CSIRO does not disclaim the terminal part of any patent granted on the subject application that would extend to the expiration date of U.S. Patent No. 7,754,697, in the event that U.S. Patent No. 7,754,697 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any other manner

Applicants: Michael Wayne Graham and Robert Norman Rice
Serial No.: 10/759,841
Filing Date: January 15, 2004
Page 4

terminated prior to the expiration date which U.S. Patent No. 7,754,697 would otherwise have had.

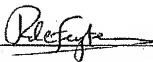
I have reviewed the assignments referred to herein and certify that, to the best of my knowledge and belief, CSIRO is the assignee of all right, title and interest in and to the subject application and U.S. Patent No. 7,754,697. I further certify that I am authorized to sign this Terminal Disclaimer on behalf of CSIRO.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that any such willful false statement and the like so made is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Commonwealth Scientific and Industrial
Research Organisation

Date: 23 June 2011

By: _____


Robert C. de Feyter, Ph.D.
Intellectual Property Manager